IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 1st day of November, 2002

Criminal Misc. Bail Application Number 822of 2002

Order on the Bail Application

CRIMINAL SIDE

Shehzad Alam, son of Sri Mohammad Hanif, resident of Mohalla Reham Khani, P.S. Bazpur, District Udham Singh Nagar

…… Applicant(s)

Versus

State of Uttaranchal. …….. Opposite Party.

Arising out of- Case crime no 289 of 2002,
Under Section 307/504 of I.P.C.,
P.S. Bazpur,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard Smt. Pushpa Joshi, learned counsel for the applicant-accused and the learned A.G.A.

This is second bail application of the applicant-accused. The new ground taken is that the injuries sustained by the victim were not found to be grievous and in support thereof, the reliance was placed on a supplementary medical report dated 10.09.2002 which was procured and filed on record by the father of the accused-applicant. The applicant-accused has wielded firearm and considering the seat of the injuries, that is, neck and chest, it is immaterial that the injury was not found grievous. Therefore, I am of the view that no fresh ground for bail is made out.

Second bail application is rejected acordingly.

In support of the second bail application supplementary medical report as mentioned above was procured by the father of the applicant-accused from the Medical Officer, Dr. K.Chandra posted at Community Health Centre, Bazpur, District Udham Singh Nagar. The supplemntary medical report was not submitted to the police earlier and strangely enough the Medical Officer has given the said report in original to the father of the applicant-accused. This fact has been affirmed by him in his affidavit which has been placed on record through the Government Advocate. The Medical Officer has tried to assert through his affidavit that in good faith and in a routine manner the supplementary medical report was given to Mohmmad Hanif who claimed himself to be the brother of the injured Bhura. The Medical Officer has not verified this fact and in an unusual manner prepared a supplementary medical report and handed it over in original to the father of the applicant-accused in a surreptitious manner which clearly speak of a misconduct on his part. The reasons given in the affidavit are not satisfactory and the conduct of the medical Officer being against the expected norms of a public servant, the same is deprecated.

Let a copy of this order be sent to the Director General, Health, Medical & Family Welfare, Government of Uttaranchal, Dehradun for information.

(Irshad Hussain, J.)

01.11.02./B.